

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2010-108635-003 DT

03/23/2012

HON. SHERRY K. STEPHENS

CLERK OF THE COURT  
K. Molina  
Deputy

STATE OF ARIZONA

SHANE M MILLER

v.

TODD GLEN WEISS (003)  
DOB: 01/02/1975

ROBYN GREENBERG VARCOE

APO-SENTENCINGS-CCC  
APPEALS-CCC  
AZ DOC  
DISPOSITION CLERK-CSC  
RFR  
VICTIM SERVICES DIV-CA-CCC

SENTENCE - IMPRISONMENT AND PROBATION

8:55 a.m.

Courtroom SCT, 8C

State's Attorney:	Brett Siegal for Shane Miller
Defendant's Attorney:	Robyn Greenberg Varcoe
Defendant:	Present

Court Reporter, Mike Babicky, is present.

A record of the proceeding is also made by audio and/or videotape.

Count(s) 1 & 4: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2010-108635-003 DT

03/23/2012

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 Aggravated Taking Identity of Another  
Class 3 Felony

A.R.S. § 13-2009, 13-2001, 13-701, 13-702, 13-801, 13-301, 13-302, 13-303, and 13-304

Date of Offense: 2/13/2010

Non Dangerous - Non Repetitive

OFFENSE: Count 4 Possession of Drug Paraphernalia

Class 6 Designated Felony

A.R.S. § 13-3401, 13-3407, 13-3415, 13-3418, 13-701, 13-702, 13-801, and 13-901.01(H)(4)

Date of Offense: 2/13/2010

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 2.75 year(s) from 03/23/2012

Presentence Incarceration Credit: 396 day(s)

Less Than Presumptive

Community Supervision: Count 1 - Waived pursuant to A.R.S. § 13-603(K) and 41-1604.07(D), due to the term of probation in Count 4.

In the event the Defendant is released by the Department of Corrections on a temporary release basis pursuant to A.R.S. §31-233, and a term of Community Supervision has been waived pursuant to A.R.S. §13-603(K), the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Upon release from prison pursuant to A.R.S. §13-603(K). Count 4: For a period of 2 years.

Conditions of probation include the following:

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2010-108635-003 DT

03/23/2012

Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the state.

Condition 15: Restitution, Fines and Fees:

FINE: Count 4 - Total amount of \$1,840.00, which includes surcharges of 84%, payable \$100.00 per month, beginning on a date to be determined upon release from the Arizona Department of Corrections.

PROBATION SERVICE FEE: Count 4 - \$65.00 per month, beginning on a date to be determined upon release from the Arizona Department of Corrections.

PROBATION SURCHARGE: Count 4 - \$20.00, to be paid \$5.00 each month, beginning on a date to be determined upon release from the Arizona Department of Corrections.

Count 4: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00, to be paid \$5.00 each month, beginning on a date to be determined upon release from the Arizona Department of Corrections.

The Court will retain jurisdiction over restitution. A restitution hearing is set for **05/11/2012 at 8:30 a.m.** before this division.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail [cforeponse@mail.maricopa.gov](mailto:cforeponse@mail.maricopa.gov). The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Condition 16 - Not consume or possess any substances containing alcohol.

IT IS ORDERED granting the Motion To Dismiss the following: Counts 2, 3, and 5, the State will not allege Defendant's prior felony convictions.

Count(s) 1: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

**IT IS FURTHER ORDERED the defendant shall not be transported to the Arizona Department of Corrections until after the Restitution Hearing currently set 5/11/2012.**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2010-108635-003 DT

03/23/2012

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

Count(s) 4: IT IS FURTHER ORDERED Defendant be released from custody for this count only.

9:09 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2010-108635-003 DT

03/23/2012

Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HON. SHERRY K. STEPHENS  
JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)